



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,141	08/31/2001	Etsuko Nishimura	500.40611X00	8654

20457 7590 03/14/2003

ANTONELLI TERRY STOUT AND KRAUS
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON, VA 22209

EXAMINER

CHOWDHURY, TARIFUR RASHID

ART UNIT	PAPER NUMBER
----------	--------------

2871

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

Office Action Summary

Application No.

09/943,141

Applicant(s)

NISHIMURA ET AL.

Examiner

Tarifur R Chowdhury

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 32-38 is/are allowed.
- 6) ☒ Claim(s) 3-5, 6/1, 6/3, 6/4, 6/5 and 7-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed on 08/31/01 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

Even though applicant has a separate paper listing the patents, publications or other information, applicant failed to prepare the form properly such as showing the publication date, a box for examiner's initial and signature etc. Therefore, even though the list of references was considered, the examiner was unable to provide a initialed copy to the applicant.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3-5, 6/1, 6/3, 6/4, 6/5 and 7-9, 11, 12, 14, 15, 19, 21-23 and 25-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 26, applicant recites, "Equation 3 and SB denotes Equation 4".

However, equations 1 and 2 are not mentioned previously in the claim and thus the claim is vague and indefinite.

In claim 4, lines 28-29, applicant recites, "Equation 5 and SB denotes Equation 6". However, equations 1-4 are not mentioned previously in the claim and thus the claim is vague and indefinite.

In claim 5, lines 28-29, applicant recites, "Equation 7 and SB denotes Equation 8". However, equations 1-6 are not mentioned previously in the claim and thus the claim is vague and indefinite.

Claim 5 recites the limitation "the first alignment film" in line 26. There is insufficient antecedent basis for this limitation in the claim.

Claim 6/1, 6/3, 6/4 and 6/5 recites the limitation "the first alignment film" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the gate insulating film" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitations "the first insulating film", "the gate insulating film" and "the second insulating film" in lines 3, 4 and 5 respectively. There are insufficient antecedent basis for these limitations in the claim. Further, claim 9 introduces a third insulating film and since claim 9 depends from claim 7 and claim 7 does not recite first and second insulating film, the claim 9 is vague and indefinite. It appears that claim 9 should depend on claim 8 instead of claim 7.

Claim 11 recites the limitations "the first insulating film", "the gate insulating film" and "the second insulating film" in lines 3, 4 and 5 respectively. There are insufficient antecedent basis for these limitations in the claim.

Claim 12 recites the limitations "the first insulating film", "the gate insulating film" and "the second insulating film" in lines 3, 4 and 5 respectively. There are insufficient antecedent basis for these limitations in the claim.

Claim 14 recites the limitations "the first insulating film", "the gate insulating film", "the second insulating film" and "the third insulating film" in lines 3, 4, 5 and 7 respectively. There are insufficient antecedent basis for these limitations in the claim.

Claim 15 recites the limitation "the pattern" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "the pattern" in line 5. There is insufficient antecedent basis for this limitation in the claim.

In claim 21, in lines 3-4, applicant introduces a fourth insulating film without introducing a first, second and a third insulating film that makes the claim very confusing and thus the claim is vague and indefinite.

Claim 22 recite the limitations "the second insulating film" and "the surface protecting film" in lines 2 and 3 respectively. There are insufficient antecedent basis for these limitations in the claim.

Claim 23 recite the limitations "the third insulating film" and "the fourth insulating film" in lines 2 and 3 respectively. There are insufficient antecedent basis for these limitations in the claim. Further, claim 23 depends from claim 7 and claim 7 does not introduce first and second insulating films and thus introducing third and fourth insulating films without introducing first and second insulating films makes the claim very confusing and thus vague and indefinite.

In claim 25, applicant introduces a third insulating film without introducing a first and second insulating film in any of the previous claims that claim 25 depends from. Therefore, claim 25 is vague and indefinite.

Claim 26 recite the limitations "the first insulating film", "the gate insulating film", "the second insulating film", the surface protecting film", the pattern" and "the third insulating film" in lines 2, 3, 4, 4-5, 8 and 8-9 respectively. There are insufficient antecedent basis for these limitations in the claim.

Claim 27 recites the limitation "the third insulating film" in line 2. There is insufficient antecedent basis for this limitation in the claim. Further, in claim 27, the third insulating film is introduced without introducing a first and a second insulating film. Therefore, the claim is vague and indefinite.

Claim 28 recites the limitation "the third insulating film" in line 2. There is insufficient antecedent basis for this limitation in the claim. Further, in claim 27, the third

insulating film is introduced without introducing a first and a second insulating film.

Therefore, the claim is vague and indefinite.

Claim 29 recite the limitations "the coating type" and "the fourth insulating film" in lines 2 and 3 respectively. There are insufficient antecedent basis for these limitations in the claim. Further, in claim 29, the third insulating film was introduced without introducing a first, second and a third insulating film. Therefore, the claim is vague and indefinite.

In claims 30 and 31, applicant is introducing a fifth insulating film without introducing a first, second, third and a fourth insulating films. Therefore, the claim is vague and indefinite.

Allowable Subject Matter

7. Claims 1, 2 and 32-38 are allowed.

Claim 3-5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 6/1, 6/3, 6/4, 6/5 and 7-9, 11, 12, 14, 15, 19, 21-23 and 25-31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

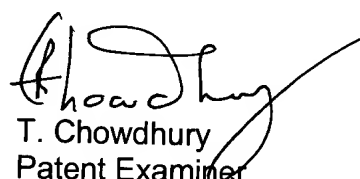
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2871

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tarifur R Chowdhury whose telephone number is (703) 308-4115. The examiner can normally be reached on M-Th (6:30-5:00) Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L Sikes can be reached on (703) 305-4842. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7005 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.


T. Chowdhury
Patent Examiner
Technology Center 2800

TRC
March 1, 2003